



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,935	04/30/2001	Andrei Sergeevich Mikhalechuk	1050-US	9904

24505 7590 09/02/2004

DANIEL J SWIRSKY  
PO BOX 2345  
BEIT SHEMESH, 99544  
ISRAEL

EXAMINER

NGUYEN, PHUOC H

ART UNIT PAPER NUMBER

2143

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/843,935

Applicant(s)

MIKHALCHUK, ANDREI  
SERGEEVICH

Examiner

Phuoc H. Nguyen

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-17 rejected under 35 U.S.C. 102(e) as being anticipated by Clarisse et al (Hereafter, Clarisse) U.S. Pat. 6,591,290.
3. Regarding claim 1, Clarisse discloses in Figure 2, a client (eg. device 131); at least one software module resident on said client (eg. modules 202); a network (eg. communication between device 131 and server 241); a server (eg. server 1); and a core application resident on said server, wherein said client is operative to upload said at least one software module to said server via said network, and wherein said server is operative to couple said core application and said at least one software module and instantiate an application instance formed therefrom (col. 4, lines 41-44; and col. 5, lines 37-63).
4. Regarding claim 2, Clarisse discloses software module is in either of a source code and an object code format (col. 3, lines 42-52; and col. 4, lines 13-35).
5. Regarding claim 3, Clarisse discloses software module includes at least one application programming interface (API) call to a procedure included in said core application (col. 4, lines 13-48).

Art Unit: 2143

6. Regarding claim 4, Clarisse discloses core application includes at least one application program interface (API) call to a procedure included in said software module (Figure 2; col. 4, lines 13-44).

7. Regarding claim 5, Clarisse discloses client is operative to upload said at least one software module to said server via said network using the File Transfer Protocol (FTP) (col. 6, lines 18-23).

8. Regarding claim 6, Clarisse discloses client is operative to upload at least one configuration parameter (eg. necessary interface module) to said server identifying said core application (col. 4, lines 36-48).

9. Regarding claim 7, Clarisse discloses client is operative to upload at least one configuration parameter to said server identifying at least one supporting module resident on said server and wherein said server is operative to couple said core application said at least one software module, and said at least one supporting module and instantiate an application instance formed therefrom (col. 4, lines 36-65).

10. Regarding claim 8, Clarisse discloses client is operative to provide input to said application instance via said network (col. 9, lines 46-57).

11. Regarding claim 9, Clarisse discloses application instance is operative to provide output to said client via said network (col. 9, lines 46-57).

12. Regarding claim 10, Clarisse discloses client comprises development apparatus for interfacing with a user and receiving said at least one software module therefrom (Figure 2).

13. Regarding claim 11, Clarisse discloses development apparatus (eg. device 131) is operative to upload said at least one software module to said server (col. 4, lines 41-44).

Art Unit: 2143

14. Regarding claim 12, Clarisse discloses development apparatus is operative to upload at least one configuration parameter to said server (col. 4, lines 41-44)

15. Regarding claim 13, Clarisse discloses server is operative to couple said at least one software module with a previously instantiated application instance (Figures 2, and 4a).

16. Regarding claim 14 is substantially the same as claim 1 and is thus rejected for reasons similar to those in rejecting claim 1. Furthermore, Clarisse discloses client is operative to control said application instance by sending at least one command to said server via said network (col. 2, lines 31-62).

17. Regarding claim 15, Clarisse discloses developing at least one plug-in module at a client for interfacing with a core application on a server, uploading said plug-in module to said server (col. 4, lines 36-40); communicating to said server an identifier identifying said core application to be used with said plug-in module (col. 9, lines 58-67; and col. 10, lines 29-38); creating an application instance on said server comprising said core application and said plug-in module (col. 5, lines 37-63); and executing said application on said server (col. 2, lines 31-62).

18. Regarding claim 16, Clarisse discloses developing step comprises developing said at least one plug-in module to interface with at least one supporting module on said server, said communicating step comprises communicating to said server an identifier identifying said at least one supporting module to be used with said plug-in module, and said creating comprises creating an application instance on said server comprising said core application, said plug-in module, and said supporting module (Figures 2-5; col. 4, lines 36-60; col. 9, lines 58-67; col. 10, lines 29-38; and col. 2, lines 31-62).

Art Unit: 2143

19. Regarding claim 17, Clarisse discloses creating step comprises creating a plurality of instances of said application on said server (Figure 1).

### **Other References Cited**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Schmidt et al. U.S. Pat. 6,598,093** disclose a method and apparatus for a core application programming interfaces.

**Traversat et al. U.S. Pat. 6,119,157** disclose a protocol for exchanging configuration data in a computer network.

**Dellarocas et al. U.S. Pat. 6,370,681** disclose a computer system and computer implemented process for representing software system descriptions and for generating executable computer program and computer system configurations from software system descriptions.

**Kloba et al. U.S. Pat. 6,779,042** disclose a system, method, and computer program product for enabling on-device servers, offline forms, and dynamic ad tracking on mobile devices.

### ***Conclusion***

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS SET TO EXPIRE THREE MONTHS, OR THIRTY DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. FAILURE TO RESPOND WITHIN THE PERIOD FOR RESPONSE WILL CAUSE THE APPLICATION TO BECOME ABANDONED (35 U.S.C. § 133). EXTENSIONS OF TIME MAY BE OBTAINED UNDER THE PROVISIONS OF 37 CAR 1.136(A).

Art Unit: 2143


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 703-305-5315. The examiner can normally be reached on Mon -Thu (7AM-4: 30PM) and off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuoc H. Nguyen  
Examiner  
Art Unit 2143

August 30, 2004

  
DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100